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IV.—THE APODOSIS OF THE UNREAL CONDITION IN ORATIO OBLIQUA IN LATIN¹.

In view of the uncertainty and error existing in almost all our Latin grammars concerning the form of the Apodosis of the Unreal Condition in Oratio Obliqua in Latin, I have undertaken to investigate and to ascertain definitely the usage of classical Latin in this construction; my investigation is complete for the following authors: Cato, Varro, Cicero, Caesar, Sallust, Cornelius Nepos, Livy, Velleius Paterculus, Tacitus, Pliny Minor and Suetonius.

The rule is variously given in the different grammars, some of them unqualifiedly—and unqualifiedly wrong, as I shall endeavor to show—that for present time the form *-rum esse* should be used; some qualify by noting that this construction is very rare, others even go so far as to say that it is doubtful, while some state quite correctly that in Indirect Discourse Present Unreal Conditions are not distinguished in the Apodosis from Past.

The most striking fact, however, revealed by an examination of the treatment of this subject in the various grammars is the uniformity with which the rule for the use of *-rum esse* in Present Condition is supported by the one example from Caesar Bell.

¹ This paper had its origin in a letter written toward the close of 1898 by Prof. Peters of the University of Va. to Prof. Morgan of Harvard. In his letter Prof. Peters criticised the traditional rule for this form of Apodosis, stating that he believed the example in Caes. B. G. 5, 29 to be unique, and that the Romans ordinarily used the form *-rum fuisse* in both present and past of the Unreal Condition in O. O. Prof. Morgan kindly proposed the subject to me for investigation, the results of which have been to confirm Prof. Peters in every particular. My work was practically completed within a year from the above date, but stress of professional duties and unavoidable interruptions have prevented my printing earlier.

In regard to the method of conducting the investigation, with the exception of Cicero and Caesar, the examples were collected by me from the authors themselves. For Cicero and Caesar I used the article of Joseph Priem, Phil. 1883, Suppl. Vol. 5, p. 263. Priem had collected and classified all the conditional sentences in these two authors. For this valuable and labor-saving reference my thanks are due to Prof. Bennett of Cornell University.

Gall. 5, 29. This fact has led certain scholars to call the rule in question and to consider the solitary example in Caesar as insufficient for the foundation of a grammatical rule, and even, not without reason, to suspect the correctness of the passage from Caesar.

So far as I have been able to discover, doubt in regard to the correctness of the form *-rum esse* in the Apodosis of the Unreal Condition referring to present time was first raised by Sp. Vassis in the Journal *Πλάτων* 1883, p. 414 ff., under the title 'Ἀνασκευὴ ἡμαρτημένου γραμματικοῦ κανόνος. Little or no attention has been given to this article, doubtless owing to the very limited circulation of the journal. Again in the *Rev. de Phil.*, 1887, p. 42 ff., Vassis attacked the traditional rule as given in the recently published grammar of O. Riemann, and restated at some length the arguments which I take to be the same as those used by him several years before in the *Πλάτων*. To this Riemann replied in the *Rev. de Phil.*, 1891, p. 34 ff., where he with some reluctance agrees in the main with the views set forth by Vassis and offers some very strong additional arguments against the possibility of the employment of the form *scripturum esse* in O. O. as an equivalent for the form *scriberem* in the Unreal of O. R. Cf. A. J. P. XII (1891) 112; XIII (1892) 379.

These articles seem to have been practically ignored by the writers of our grammatical treatises, and no sufficient examination of the usage of Latin authors on the point, as far as I have been able to ascertain, was made by either Vassis or Riemann. I have undertaken to settle by a thorough examination; first, whether the example in *Caes. B. G.* 5, 29 was really the only source of authority for the rule that the form *-rum esse* is used for the Present Unreal in O. O.; and secondly, whether a sufficient number of undoubted examples of *-rum fuisse* for the Present Unreal in O. O. could be found to warrant the rule that the Romans did not distinguish in O. O. between Present and Past Unreal Conditions, but used the form *-rum fuisse* indifferently for both forms of Unreal Apodosis in O. O. Before entering at length into the evidence, it may be well to state here that my investigation seems to establish both these propositions: namely, that the example from Caesar of *-rum esse* is unique and that there are abundant examples of *-rum fuisse* which we seem forced to take as representing the imperfect subjunctive of O. R.

Considering the quantity of Latin read for the purpose of this

paper, the total number of examples of the Unreal Condition in O. O. is not large, being all told only about 188, distributed as follows: Cicero 99; Caesar 4; Livy 62; Nepos 3; Sallust 1; Paterculus 1; Tacitus 8; Pliny 3; Suetonius 7. When we consider that out of these 188 examples gathered from thousands of pages of Latin, including nearly all the extant classical prose, only one case of -rum esse has been found, we must conclude that the construction itself is open to grave suspicion; that suspicion is still further confirmed by the fact that this passage admits of easy emendation to make it conform to the other 187 examples, and that the idea of present time is not in any way necessary to the sense of the passage. If in addition to these considerations strong *a priori* reasons can be adduced to show that the presence of the -rum esse construction in the language would have resulted in great practical inconvenience, not to mention other difficulties of a linguistic nature, all of which we shall discuss at length below, it will have to be admitted that the construction should have no place in our grammars.

Since the fact that the form in -rum fuisse represents the Past Unreal in O. R. is not in dispute, and since the main purpose of this paper is to prove that the same form is used for the Present Unreal of O. O., I shall at once adduce some of my strongest examples in support of this latter thesis.

First, Cicero ad Fam. 4. 9. 2: *Omnia enim delata ad unum sunt, is utitur consilio ne suorum quidem, sed suo. Quod non multo secus fieret, si is rem publicam teneret, quem secuti sumus. An, qui in bello, cum omnium nostrum coniunctum esset periculum, suo et certorum hominum minime prudentium consilio uteretur, eum magis communem censemus in victoria futurum fuisse, quam incertis in rebus fuisset? et, qui nec te consule tuum sapientissimum consilium secutus esset nec fratre tuo consulatum ex auctoritate tua gerente vobis auctoribus uti voluerit, nunc omnia tenentem nostras sententias desideraturum censes fuisse?* Both the cases of -rum fuisse in the above passage manifestly refer to present time, and the presence of *nunc* in the latter example would seem to set the question beyond all reasonable doubt. Cicero refers here clearly to three different periods of time: first, when Marcellus was consul (*secutus esset*); next when Marcellus' brother was consul with Marcellus as the power behind the throne (*voluerit*); then the present time with *desideraturum fuisse* emphasized by *nunc*. The use of *desideravisset*

in O. R. here would be hardly conceivable. It was my wish when I began this investigation, to find an example of this form of Apodosis with *nunc*; I have been more fortunate than I hoped for. There is another equally strong example in Livy 38, 47, 13: "Stipendium scitote pependisse socios vestros Gallis et *nunc*, liberatos per vos regio imperio, *fuisse pensuros*, si a me foret cessatum." I consider this an absolutely certain passage in support of my thesis; *pependissent* in O. R. cannot be considered for a moment. It would be difficult to imagine two stronger examples than the above, and if they do not prove the possibility of this construction for the Present Unreal in O. O., we shall be forced to conclude that the Romans had no such construction in their language. I here quote also a very strong example from Aulus Gellius, though I have not made a complete examination of that author (20, 1, 53): "An putas, Favorine, si non illa etiam ex duodecim tabulis de testimoniis falsis poena abolevisset et si nunc quoque, ut antea, qui falsum testimonium dixisse convictus esset, e saxo tarpeio deiceretur, *mentituros fuisse* pro testimonio tam multos quam videmus." Here we have *nunc* and the imperfect subjunctive in the Protasis, and the *quam videmus* seems to fix beyond all reasonable doubt the time of the Apodosis as coincident with this. I shall now proceed to give many more examples equally as strong, but in most cases without *nunc*.

The following example from Cicero de Fin. 1, 39 is perhaps one of the most interesting in the entire collection: "Sin autem summa voluptas est, ut Epicuro placet, nihil dolere, primum tibi recte, Chrysippe, concessum est, nihil desiderare manum, cum ita esset affecta, secundum non recte, si voluptas esset bonum, *fuisse desideraturum*. Idcirco enim non *desideraret*, quia, quod dolore caret, id in voluptate est." Here the general sense of the passage shows that present time was in the mind of the speaker, and the Protasis *si-esset* is present; but the most interesting point is that Cicero himself immediately explains his meaning in O. R. and represents *fuisse desideraturum* by *desideraret*. This example seems well-nigh decisive of the whole question, and it would be difficult to imagine a better one.¹

¹ The example quoted below from Pliny's letters 4, 22, 6 is an exact parallel to this passage from Cicero, and would more appropriately find its place here: "De huius (Messalini) nequitia sanguinariisque sententiis in commune omnes super cenam loquebantur, cum ipse imperator (Nerva) 'quid putamus *passurum fuisse*, si viveret?' et Mauricus 'nobiscum *cenaret*?'" "What do we suppose

In the following examples from Cicero, it would seem clear that this form of Apodosis must refer to present time. Sulla 22: "Si iam tibi hoc concedam, Q. Hortensium, tanta gravitate hominem, si, hos tales viros non suo stare iudicio, sed meo; si hoc tibi dem, quod credi non potest, nisi huic ego adessem, hos *adfuturos* non *fuisse*, uter tandem rex est, isne, cui innocentes homines non resistunt, an is, qui calamitosos non deserit?" Here with the trial actually taking place, Cicero, Hortensius, and the others referred to being present in the court room, the Protasis in the present form, we seem forced to the conclusion that the Apodosis *adfuturos fuisse* refers to the present time. Note that there is not a word in the entire passage which refers to past time. De Nat. Deorum 1, 78: "Quid censes? si ratio esset in beluis, non suo quasque generi plurimum *tributuras fuisse*?" This example seems a perfectly clear case, and the Apodosis of O. R. must be *tribuerent*. De Nat. Deorum 1, 122: "Ne homines quidem censetis, nisi imbecilli essent, *futuros* beneficos et benignos *fuisse*." The context shows clearly that the idea of present time is in the mind of the writer; he is treating a general truth, as is the case in several of the following examples. De Fin. 5, 31: "Hoc magis intellegendum est haec ipsa nimia in quibusdam *futura non fuisse*, nisi quidam essent modica natura." Ib. 5, 93: "Cum tantum igitur in virtute ponant ii, qui fatentur se virtutis causa, nisi ea voluptatem faceret, ne manum quidem *versuros fuisse*."¹ De Div. 2, 141: "An tu censes ullam anum tam deliram *futuram fuisse*, ut somniis crederet, nisi ista casu non nunquam forte temere concurrent?" Ad Quint. Frat. 1, 1, 34: "Simul etiam illud Asia cogitet nullam ab se neque belli externi neque domesticarum discordiarum calamitatem *afuturam fuisse*, si hoc imperio non teneretur." Ad Att. 1, 1, 4: "Simul et illud ostendi, si ipse unus cum illo uno conderet, me ei satis *facturum fuisse*."

This completes our selection of examples from Cicero, and it would seem that if Cicero had known any such form of Unreal

he *would be doing* if he were alive?" The answer comes from Macrinus—"he *would be supping* with us." The time expressed by *passurum fuisse* and *cenaret* must be identical, and must be present. These two examples prove conclusively that the Romans considered the form in -rum *fuisse* O. O. as an exact equivalent to the Imperfect Subjunctive O. R. referring to present time.

¹ The Gildersleeve-Lodge Grammar very properly converts this to *verteremus* O. R. [Comp. A. J. P. XXI 109.—B. L. G.]

Apodosis as -rum esse, he certainly had occasion to employ it in some of the above examples.

We shall now return to citations from Livy; they will be found equally good in support of this thesis. It is hardly necessary to state that for an intelligent appreciation of these passages a thorough knowledge of the context is necessary; this, of course, limits of space prevent me from giving. Livy, 2, 28, 3 and 4: "Profecto, si essent in re publica magistratus, nullum *futurum fuisse* Romae nisi publicum concilium; nunc in mille curias contionesque, cum alia in Esquiliiis, alia in Aventino fiant concilia, dispersam et dissipatam esse rem publicam, unum hercule virum—id enim plus esse quam consulem—qualis Appius Claudius fuerit, momento temporis *discussurum* illos coetus *fuisse*." The idea of present time is so strongly emphasized throughout this passage that it seems exceedingly forced to make the apodoses *futurum fuisse* and *discussurum fuisse* refer to past time. Livy, 4, 57, 4: "Tum quoque, si res sineret, libenter se *daturum* tempus iis *fuisse* ad receptum nimis pertinacis sententiae." Ib. 8, 31, 3: "Et tunc invidia impedire virtutem alienam voluisse cupidiissimisque arma *ablaturum fuisse* militibus ne se absente moveri possent, et nunc id furere, id aegre pati quod sine L. Papiro non inermes, non manci milites fuerint, quod se Q. Fabius magistrum equitum duxerit ac non accensum dictatoris. quid illum *facturum fuisse*, si, quod belli casus ferunt Marsque communis, adversa pugna evenisset, qui sibi devictis hostibus, re publica bene gesta, ita ut non ab illo unico duce melius geri potuerit, supplicium magistro equitum minetur! neque illum magistro equitum infestorem quam tribunis militum, quam centurionibus, quam militibus esse. si posset, in omnes *saeviturum fuisse*; quia id nequeat, in unum saevire;" I would especially urge the careful perusal of this entire chapter. The Present Infinitives *furere* (time emphasized by *nunc*), *pati*, *saevire*, the clause *quid id nequeat* all show present time to have been in the mind of the speaker. It will be noticed further that the clause *nunc id furere* is used in contrast to a preceding *tunc voluisse*, *ablaturum fuisse* and *facturum fuisse*, all referring to past time; and if there had been any way of distinguishing the two forms of condition, we are warranted in believing that Livy would have done so here in *saeviturum fuisse*. Id. 10, 21, 15: "Se, nisi confideret eum consensu Romani populi consulem declaratum iri, qui haud dubie tum primus omnium ductor habeatur, dictatorem *fuisse extemplo dicturum*."

Here again the form of the protasis and the context point to present time. Ib. 22, 25, 10: "Quas ob res, si antiquus animus plebei Romanae esset, audaciter se *laturum fuisse* de abrogando Q. Fabi Imperio; nunc modicam rogationem promulgaturum de aequando magistri equitum et dictatoris iure." Id. 24, 33, 7: "Ad ea Epicides, si qua ad se mandata haberent, responsum eis ait se *daturos fuisse*; cum in eorum, ad quos venerint, manu res Syracusana esset, tum reverterentur." Ib. 32, 36, 7: "Quinctius verum id *futurum fuisse* dicere, si aestas et tempus rerum gerendarum esset; nunc hieme instante nihil amitti dato spatio ad legatos mittendos." Id. 34, 4, 14: "'hanc', inquit, 'ipsam exaequationem non fero' illa locuples. 'cur non insignis auro et purpura conspicior? cur paupertas aliarum sub hac legis specie latet, ut, quod habere non possunt, *habiturae*, si liceret, *fuisse* videantur?'" Here again we have an exceedingly strong example in support of my position; all the verbs are present, and the same idea of time which is contained in *habiturae fuisse* is expressed in *quod habere non possunt*, clearly present. Id. 34, 24, 5: "Romanus, cunctis undique increpantibus Aetolos, *responsurum se fuisse* iis dixit, nisi ita infensos omnis in eos videret, ut sedandi potius quam irritandi essent." This is a good example to show the power which the Protasis may have in fixing the time of the Apodosis, and also the absurd position of those who insist upon the English "would have" as an equivalent to the simple "would" in these apodoses; for how could it be predicated here "he said that he would have replied in some past time unless he saw something now", or "I did not reply last week because I now see reasons for not doing so"? Other interpretations may be possible, but hardly probable. If the Protasis in this example is present (and it seems hardly possible to take it otherwise) the Apodosis must refer to the same time. Nepos Ages., 6, 1: "Idem, cum Epaminondas Spartam oppugnaret essetque sine muris oppidum, talem se imperatorem prae-buit ut eo tempore omnibus apparuerit, nisi ille fuisset, Spartam *futuram non fuisse*." It may seem like hair-splitting, but it is nevertheless true that it would be absurd here to say that "unless Agesilaus had been, Sparta would not have been," the meaning clearly being that it would have fallen and *would not be* in existence now. Out of four examples found in Pliny Minor, one seems clearly to support the view set forth in this paper (Ep. 4, 22, 6): "De huius (Messalini) nequitia sanguinariisque sentiis in commune omnes

super cenam loquebantur, cum ipse imperator (Nerva) 'quid putamus *passurum fuisse*, si viveret'? et Mauricus 'nobiscum cenaret'". Suetonius furnishes one example (Augustus 31): "Cumque in demortuae locum aliam capi oppoteret, ambirentque multi ne filias in sortem darent, adiuravit, si cuiusquam neptium suarum competeret aetas, *oblaturum se fuisse* eam."

The above is the evidence—and it must surely seem ample to any unprejudiced mind—on which we rest our conclusion that the Romans could and did employ the form -rum fuisse in O. O. to represent both the Present and the Past Unreal of O. R. I propose now to adduce some a priori reasons to show (1) that the form -rum esse from the very nature of the case never could have been used to represent the Unreal; and (2) that if it had been, it would have led to endless confusion, which would have caused its abandonment in the early stages of the language.

(1) Scripturum fuisse is nothing but the infinitive of scripturus fui or eram; they are all essentially unreal, just as the English "I was going to write" in general means that I did not write. There is no need of the subj. essem or fuissem to bring in the contrary-to-fact idea, and hence even in Unreal Conditions in O. R. the past indicative is the rule with the future participle in this form of condition. Now on the other hand scripturum esse is nothing but the infinitive of scripturus sum, and if there is no unreal idea in the indicative form, it is difficult to see how it could ever get into the infinitive. Daturum esse might stand for dem or dabo as well as daturus sum of O. R., but any unreal idea such as is found in darem or dedissem is totally foreign to it. Riemann, *Rev. de Phil.*, 1891, 34, puts it: "Comment expliquerait-on que scripturum esse eût pris le sens de l'irréal? Scripturum esse n'est autre chose que scripturus sum mis à l'infinitif, par conséquent, 'dico me scripturum esse' signifie 'je dis que je suis dans la situation de quelqu'un qui est destiné à écrire, qui est sur le point d'écrire, qui propose d'écrire': comment passer de cette idée à celle-ci 'j' écrirais actuellement si—mais la vérité est que je n'écris pas?'"

(2) In addition to these difficulties of a logical nature, the employment of -rum esse for the Present Unreal of O. O. would lead to great confusion with the future infinitive. After the principle verb in historical tense neither the form of the Prothesis nor of the Apodosis would be of any assistance in determining whether the condition were Unreal, Real, or Ideal. The

Latin language is already sufficiently poverty-stricken in the matter of distinguishing the different forms of conditions in O. O.; let us not without reason and authority enhance this poverty. Take for example one of the passages cited above, Livy 34. 33. 7. Here with *daturos esse* instead of *daturos fuisse* it would be impossible to tell whether the O. R. should be *si haberetis—daremus*, or *si habeatis—demus*, or *si habebitis—dabimus*, or *daturi sumus*; but with *fuisse* for *esse*, we may at once draw the line sharply between Unreal and Future conditions, and as a matter of practice all further differentiation will be found unimportant, and can safely be left to the context of the passage. In fact too much stress seems to have been laid by grammarians on the necessity of two different forms for the Unreal Apodosis in O. O.; in avoiding, or rather assuming, one difficulty, their eyes have been closed to other difficulties of a more serious nature, both logical and practical. The form of the Protasis and the general sense of the passage will generally make it sufficiently clear whether present or past time is intended; where these leave it uncertain, it will be found to be a matter of indifference. If the time is indifferent to us, it must have been equally so to a Roman, as it springs from the inherent nature of the circumstances, and no more difficulty is felt than in the inability to distinguish in O. O. the different forms of Future conditions.

In face of the above array of facts and reasons, how did it ever happen that this *-rum esse* heresy got such a firm foothold in the grammatical lore of our time? The answer is interesting, and serves well "to point a moral and adorn a tale". The unique and solitary example on which the rule rests happens to occur in Caesar, an author read by every Latin student; and since the construction of the Unreal in O. O. is comparatively rare in any event, and this one example of *-rum esse* happened to be immediately preceded by a case of *-rum fuisse* referring to past time, and itself easily admits of reference to present time, the whole passage, occurring as it did in one of the best Latin writers, seemed to have been designed just to establish the rule. It was undoubtedly a trap into which the most wary might fall, and it can occasion no surprise that eminent scholars seeing the rule supported by such authority should have allowed it to pass unchallenged, without thinking of other usage on the point. A closer examination, however, at once dispels the illusion which has clung around this example. In the first place, it must be

admitted by all that one example is not a sufficient foundation for a grammatical rule; if this were the only instance in Latin literature of a Present Unreal Apodosis in O. O., serious doubt would be cast upon this one instance, and scholars should be slow to accept the existence of any such construction in the language. All, however, who have read the evidence set forth above must admit that I have given numerous examples ranging from Cicero to Gellius where the construction must have been used, if any such existed. I have also given what seems to me strong reasons against the possibility of such an Unreal form as *-rum esse*; even if such a form were established by several undisputed passages, it would give rise to almost insuperable linguistic difficulties. Can we believe that the usage of Cicero, so well attested, differed on this point from that of Caesar? Must we believe that in the whole range of Latin literature there is only one place where the construction was needed or was possible? These are some of the incredible things which the defenders of this *exemplum solitarium* would have us believe.

Let us now turn to the passage itself, Bell. Gall. 5, 29: "Brevem consulendi esse occasionem; Caesarem arbitrari profectum in Italiam; neque aliter Carnutes interficiendi Tasgeti consilium *fuisse capturos*, neque Eburones, si ille adesset, tanta contemptione nostra ad castra *venturos esse*. Non hostem auctorem, sed rem spectare". It will be seen at once that it is by no means necessary to the sense here to construe *venturos esse* as a present Apodosis; the sense is equally good, or even better, and more in accord with the facts, to take it as a past: "For otherwise the Carnutes would not have formed the design of slaying Tasgetius, nor would the Eburones, if he were present, with such contempt for us, have stormed our camp". This is a perfectly natural translation and puts no strain whatever on the Latin; the only change needed is to place the full stop after *venturos* and to amend the *esse* to *sese*, to be taken as the subject of the following *spectare*. As the text now stands, it is necessary to supply *se* as the subject of this infinitive, as most of the editions tell us. If this emendation were made, the *venturos* would be constructed with the preceding *fuisse*. This is the emendation proposed by Sp. Vassiss; the change is slight, *sese* being easily corrupted into *esse*, it fulfills every demand of sense and grammar, and after repeated and careful consideration of all the evidence bearing on the subject, I am of the opinion that it ought to be universally

accepted as one of the few absolutely certain emendations of classical texts. There is already some progress in this direction: Giltbauer, in his edition of Caesar, deletes the *esse*, Meusel accepts the emendation of Vassis, Menge and Preuss bracket *esse*. There can be no question that past time suits the sense of the passage fully as well as present, or even better, as it seems to me, since the transition from a preceding past Apodosis to present appears a little too rhetorical. Caesar had placed the legion in winter quarters among the Eburones, as we are told in chapter 24; the Eburones had risen in revolt, and at the time of the debate, had already made their attack on the legion. The translation "they would not have come", or "would not have attacked", satisfies every demand that could have been made upon the sentence. *Ad castra venturos* would then be exactly equivalent to *castra oppugnaturos fuisse*, 6, 41 (fin).

In regard to the *fuisse* being understood and supplied from the preceding verb, the following passages will make this easy. The first examples from Livy will be found to be almost exactly parallel. Livy, 35, 32, 8: "Menippus post eum intronissus optimum *fuisse* omnibus, qui Graeciam Asiamque incolerent, ait, integris rebus Philippi potuisse intervenire Antiochum; sua quemque *habiturum fuisse*, neque omnia sub nutum dicionemque Romanum *perventura*." Id. 3, 9, 8: "Mortuis duobus consulibus, jacente aegra civitate in conlutione omnium rerum ad tollendum rei publicae consulare imperium *laturum leges fuisse*, ducem Volscis Aequisque ad oppugnandam urbem *futurum*." Id. 41, 3 (fin): "Sed docebat etiam, si victores Histri, quibus armis cepissent castra, iisdem capta retinere in animo haberent, primum exutum castris hostem ad mare *persecuturos fuisse*, deinde stationes certe pro vallo *habituos*: vino somnoque veri simile esse mersos iacere." This last ought to be an exceedingly interesting passage to those who insist upon taking the *venturos* in Caesar as a present Apodosis, for the *habituos* in this passage from Livy, *without either esse or fuisse*, seems better taken as a present Apodosis, and would form an exact parallel to the Caesarian passage, with the *esse* emended to *Sese*. See also Livy 37, 14, 6: "Ita *adempturum* se maris usum hostibus *fuisse* inutilemque classem *facturum*." Id. 33, 28, 8: "Multaque in eam partem probabiliter est argumentatus, quibus fidem apud quosdam fecit nunquam, si sibi conscius esset, *oblaturum* se multitudini mentionemve eius caedis nullo lacescente *facturum*

fuisse." Id. 44, 39 (med): "Ego autem neque *mansurum* eum neque in aciem copias *educturum fuisse* certum habeo, si cedere hinc statuisset." To these add the following from Cicero: Quinct. 41: "Dubitabitur, utrum sit probabilius, Sex. Naevium statim, si quid deberetur, *petiturum fuisse* an ne *appellaturum* quidem biennio?" Ad Att. 14, 14, 2: "Sublato enim tyranno tyrannida manere video. Nam, quae ille *facturus non fuit*, ea fiunt, ut de Clodio, de quo mihi exploratum est illum non modo non *facturum*, sed etiam ne *passurum quidem fuisse.*" These passages show conclusively that two participles were often used with the *fuisse* expressed with only one of them. It is well known that *fuisse* is often omitted entirely in the later writers; five out of the eight examples furnished by Tacitus lack the *fuisse*. It is also wanting in Livy 23, 2, 5: "Vocato senatu cum sibi defectionis ab Romanis consilium *placiturum* nullo modo, nisi necessarium fuisset, praefatus esset." Id. 23, 43, 12: "Si ambo consules cum suis exercitibus ad Nola essent, tamen non magis pares Hannibali *futuros*, quam ad Cannas fuissent."

Two examples in Cicero with the participle alone yet remain to be considered. It seems easier and more natural to consider both these as Unreal and to supply *fuisse*, but the suggestion of such a possibility for Cicero would doubtless cause some of the learned to stare and gasp; yet no valid objection can be raised against this after it has once been established by numerous examples that *-rum fuisse* is the only construction found in Cicero. Those who object to this must supply *esse* and construe as potential, for I maintain that in the light of the above evidence, to supply *esse* in the Unreal Apodosis is out of the question. The passages are de Fin. 1, 39: "Hoc ne statuam quidem dicturam pater aiebat, si loqui posset." Quinct. 92: "Si causa cum causa contenderet, nos nostram perfacile cuivis probaturos statuebamus." It seems very easy to take this last as a potential, though the real Apodosis is *statuebamus*. Taken as unreal they will form an exact parallel to Livy 23, 2 and 23, 43. There can really be no more objection to supplying *fuisse* with Cicero or Livy than with Tacitus; the only difference is that with Tacitus it is the rule and has long been acknowledged as such, while with Cicero and Livy it is very rare, and the attention of scholars has never been called to it.

A few general remarks on some phases of the conditional sentence and I am done. The periphrasis *futurum fuisse ut*

for the passive, I find to be exceedingly rare, only two examples being found in all the authors mentioned above: Cic. Tusc. 3, 69, Caes. Bell. Civ. 3, 101, 2. Not a single case of this periphrasis with the active was found. The form *fuisse* for *futurum fuisse* seems to be fairly common, as Caes. B. G., 1, 14, 2, Nepos Tim. 3, 4; Livy, 30, 10, 21. *Potuisse* is regularly used, the supine stem being wanting to this verb. Similarly the Perfect Infinitive of other verbs is occasionally used for the form in -rum *fuisse*, as Cic. de Senec. 82; conatos *esse*; Ad Att. 2, 24, 2 *defuisse*. These are the only two examples of such a construction in Cicero.

The conclusions then to which we seem to be led by these investigations are: (1) That the Romans did not distinguish in O. O. between Present and Past Unreal Conditions, the participle in -urus with *fuisse* being alone employed in this construction.

(2) That no inconvenience arose from this usage, since the form of the Protasis and the general sense of the passage were able to designate the time with sufficient clearness.

(3) That the unique example of -rum *esse* Caes. B. G. 5, 29, is a corrupt reading, and the emendation *sese* for *esse* should be accepted as the true reading.

For convenience we here subjoin all the passages of this construction collected.

CICERO.

Quinct. 41 (bis)	Milon. 78	Invent. 2, 78
" 92	" 79	" 2, 131
Verr. A. pr. 44	Marc. 17	" 2, 139 (bis)
" A. 2, 24	Ligar. 23	de Orat. 1, 71
" A. 2, 81	" 24	" 1, 228
" A. 2, 125	" 25	" 2, 230
" A. 2, 3, 111	" 34	" 2, 267
" A. 2, 4, 11	Deiot 9	" 3, 180
Cluent. 52, (bis)	Phil. 1, 5	Orator 189
Leg. Agr. 2, 93	" 1, 13	Part Or. 132
Mur. 60	" 3, 4	Acad. 1, 1
Sulla 22	" 3, 5	" 2, 17
Red. Quir. 17	" 4, 4	De Fin. 1, 28
Domo 12	" 5, 21	" 1, 39 (bis)
" 84	" 5, 22	" 2, 60 (bis)
Milon. 47	" 5, 39	" 5, 31
" 70	" 8, 2	" 5, 93
" 76	Invent. 2, 74	Harus. Resp. 52

CICERO.

Sest 47	Ep. Fam. 4, 4, 4	Att. 14, 14, 2 (bis)
Cael. 2 (bis)	" 4, 9, 2 (bis)	Brut. 1, 15, 7
" 56	" 5, 20, 1 (bis)	Tusc. 1, 4
Planc. 70	" 5, 20, 2	" 3, 69
De Fato 6	" 10, 28, 3	De Nat. 1, 78
De Off. 1, 78	" 15, 21, 2	" 122
" 3, 33	Quint. Fr. 1, 1, 34	De Div. 2, 22
" 3, 98	Att. 1, 1, 4	" 2, 23
Cato Major 82	" 2, 24, 2	" 2, 58
Lael. 24	" 3, 24, 1	" 2, 84
" 39	" 10, 41, 8	" 2, 141
Ep. Fam. 1, 9, 2	" 11, 2, 1	
" 3, 6, 2	" 13, 27, 1	

CAESAR.

B. G. 1, 34, 2	B. G. 6, 41, 3	B. Civ. 3, 101, 2
" 5, 29, 2		

LIVY.

1, 26, 9	21, 2, 2	33, 28, 8
1, 46, 7	22, 25, 10	34, 4, 14
1, 51, 4	22, 32, 7	34, 24, 5
2, 2, 5	22, 60, 20	34, 26, 2
2, 28, 3	23, 2, 5	35, 32, 8
2, 28, 4	23, 28, 6	35, 45, 6
3, 9, 8	23, 43, 12	37, 10, 8
3, 50, 7	24, 5, 12	37, 14, 6
4, 15, 2	24, 32, 1	37, 25, 12
4, 57, 4	24, 33, 7	37, 52, 7
5, 39, 6	26, 29, 6	38, 47, 13
8, 10, 8	26, 44, 4	38, 50, 1
8, 31, 3	29, 37, 15	39, 40
8, 31, 5	30, 10, 21	41, 3
8, 31, 6	30, 15, 5	42, 38
8, 33, 19 (bis)	30, 15, 7	42, 55
9, 14, 146	30, 42, 15	42, 57
9, 19, 12	31, 10, 9	44, 39
10, 15, 10	31, 38, 3	44, 44
10, 21, 15	32, 36, 6	45, 13
10, 37, 11		

Conon 1, 3	NEPOS.	Ages 6, 1
	Conon 2, 3	
	SALLUST.	
	B. J. 82	
	VELLEIUS.	
	2, 27, 3	
	TACITUS.	
Ann. 1, 33	Ann. 4, 18	Ann. 15, 35
" 2, 31	" 14, 29	Hist. 1, 50
" 2, 73	" 15, 24	
	PLINY MINOR.	
Epist. 4, 22, 6	Paneg. 7	Paneg. 64
" 8, 6, 12		
	SUETONIUS.	
Jul. Caes. 56 (bis)	Aug. 31	Otho 10
" 72	Tib. 62 (bis)	

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